

WEDNESDAY, JANUARY 13, 1999

SECOND ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Joseph W. Walker, III, Mt. Zion Missionary Baptist Church, Nashville, TN.

Representative Langster led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and held on the desk pending appointment of the Standing Committees:

***House Joint Resolution No. 2** -- Constitutional Amendments - Empowers general assembly to authorize state lottery for state purposes only and no other purpose; net proceeds to be allocated solely to scholarship fund established and implemented by general assembly for tuition costs for Tennessee residents at Tennessee post-secondary institutions. by *Newton.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 14, 1999:

House Joint Resolution No. 4 -- Memorials, Sports - Germantown cheerleaders. by *Scroggs.

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House Joint Resolution No. 5 -- Memorials, Personal Occasion - Mrs. Nora Proby, 90th birthday. by *Fraley.

House Joint Resolution No. 6 -- Memorials, Retirement - Dr. John Rampy, Executive Director, Arnold Engineering Development Center. by *Fraley, *Lewis.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 4** -- Sexual Offenses - Increases Class A felony penalty to life imprisonment without possibility of parole for rape of child. Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 35, Part 5. by *Newton, *Ferguson.

***House Bill No. 5** -- School Transportation - Requires motor vehicles, including buses, bought after effective date of bill to transport pupils to be equipped with safety belts for driver and passengers; requires department of safety to establish specifications and to promulgate rules. Amends TCA Title 49, Chapter 6, Part 21. by *Newton.

***House Bill No. 6** -- Taxes, Exemption - Exempts essential food items from sales tax; defines "essential food items" as bread, milk, eggs, baby food and formula. Amends TCA Title 67, Chapter 6. by *Newton.

***House Bill No. 7** -- Constitutional Conventions - Proposes amendment to Article XI, Section 5, relative to lotteries. by *Newton.

***House Bill No. 8** -- Ethics - Establishes liability for publishing, broadcasting or distributing false and defamatory campaign literature or political advertisements; creates Code of Fair Campaign Practices. Amends TCA Title 2 and Title 29, Chapter 24. by *Newton.

House Bill No. 9 -- Highway Signs - "Colonel Clyde H. Wherley Memorial Bridge," U.S. 231 South at Robinson Road in Bedford County. by *Phillips.

***House Bill No. 10** -- Highway Signs - "Colonel Alfred R. Swann Bridge," new bridge over Douglas Lake on U.S. 25E in Jefferson County. by *Roach.

House Bill No. 11 -- Lincoln County - Subject to local approval, authorizes referendum on new hospital facility in Fayetteville. by *Phillips, *Fowlkes.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were held on the Clerk's desk pending approval of the local delegation or held for appointment of the appropriate standing committees:

***House Bill No. 1** -- Election Laws -- Held on House Desk

***House Bill No. 2** -- Statutes -- Held on House Desk

***House Bill No. 3 -- Motor Vehicles, Titling and Registration -- Held on House Desk**

REPORTS FROM SELECT COMMITTEE

**REPORT OF JOINT COMMITTEE
TO CANVASS RETURNS FROM THE ELECTION FOR GOVERNOR**

We, the undersigned members of the Joint Committee of the House and Senate of the One Hundred First General Assembly, State of Tennessee, certify that we have this day carefully canvassed the official returns, which are on file in the office of the Secretary of State, from the election for Governor held throughout Tennessee on Tuesday, November 3, 1998. We find the tally of votes for that election is as follows:

Don Sundquist	669,973
John Jay Hooker	287,750
George Alexander Hamilton, Sr.	5,899
Irwin W. Gibbs	4,651
Lonnie L. Creech	3,723
Thomas E. Smith, II	1,851
Karl Smithson	1,841
Write-ins	548

Respectfully submitted this the 13th day of January 1999.

Senator Gene Elsea, Co-Chair
Senator Rusty Crowe

Representative Lois DeBerry, Co-Chair
Representative Jere Hargrove
Representative Steve McDaniel

**REPORT OF THE SELECT COMMITTEE TO REVIEW THE AUDITS
AND OPERATIONS OF THE COMPTROLLER OF THE TREASURY
AND THE DEPARTMENT OF THE TREASURY**

On January 12, 1999, the select committee appointed by the Speaker of the Senate and Speaker of the House of Representatives, pursuant to Tennessee Code Annotated, Sections 8-4-102 and 8-5-102, to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury met in Room 30 of the Legislative Plaza. The select committee is composed of Senator Jerry W. Cooper and Representative Shelby Rhinehart, who served as co-chairmen, Senator Gene Elsea, Senator Lincoln Davis, Representative Jere Hargrove and Representative Steve McDaniel. A quorum was present. Mr. Art Hayes, Director, Division of State Audit, presented the following information to the committee:

1. An audit report of the Comptroller of the Treasury for the fiscal year ended June 30, 1998;
2. An audit report of the Department of the Treasury for the fiscal year ended June 30, 1998;and

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3. A report entitled "State of Tennessee, Comptroller of the Treasury, Department of Audit, Quality Control Review for the year ended June 30, 1998" conducted under the direction of the National State Auditors Association.

Senator Cooper moved that the committee accept the audits of the Comptroller of the Treasury and the Department of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Senator Elsea seconded the motion which carried unanimously.

There being no further business, the committee adjourned, sine die.

Senator Jerry Cooper, Chairman
Senator Gene Elsea
Senator Lincoln Davis

Rep. Shelby Rhinehart, Chairman
Rep. Jere Hargrove
Rep. Steve McDaniel

CONSENT CALENDAR

House Joint Resolution No. 3 -- Memorials, Personal Achievement - Auburn and Frances Painter, "Mr. and Mrs. Democrat" award recipients. by *Lewis, *Fraleay.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

REMARKS FROM REPRESENTATIVE MCDANIEL

Mr. Speaker, I rise today to ask you to consider Rule 7 of the "Permanent Rules of Order of the House of Representatives" before you make your decisions regarding the committee officers of this House of Representatives. This rule says - and I quote in part - "The Speaker shall appoint one chair, one vice-chair, and one secretary of each of the standing committees and for the Committee on Calendar and Rules. In appointing committee officers, the Speaker shall consider the abilities, preferences and seniority of members and the political party representation in the House."

Respectfully Mr. Speaker, the spirit of this rule has not been adhered to in our House of Representatives since 1973. Before that time, during the 86th General Assembly when the present minority party had a Representative elected to the position you hold - Congressman William Jenkins - members of your party were appointed to chair standing committees in this House. This practice has also rightfully been the tradition of our State Senate.

The 40 members of the minority in our present 99-member House have considerable abilities, experience and expertise in the various matters that come before our legislative body for consideration. The minority representation consists of four attorneys holding a doctor of jurisprudence, three members with doctorate degrees - one in clinical psychology and two of them professors with PhDs. It consists of three engineers, two of them research engineers in the highly technical energy science and nuclear fields at the renowned Oak Ridge facility; three registered caregivers with a magnitude of experience in providing health care; and 20 business persons - many whom own and operate successful Tennessee businesses.

This minority representation includes members who serve the public both in their private occupation, as well as their government service here in our Legislative arena. Three members are educators with almost a combined century's worth of experience in education; three are retired law enforcement officers with a magnitude of expertise in crime and corrections; and one is a veteran firefighter.

President Thomas Jefferson once said "I think it is a duty in those entrusted with the administration of their affairs to conform themselves to the decided choice of their constituents." Mr. Speaker, you have been entrusted with that administration - as we have been entrusted by over two million Tennesseans to represent our constituencies.

The people of this great state expected us to leave partisanship behind on that Election Day. When the oath of office was administered, as it was just two days ago, they expected us to be statesmen, not politicians, as we take up the business of governing this state for the betterment of all our citizens. I, too, am asking for this consideration and look to you for fairness; and to adhere to the spirit of the rule that was so wisely adopted by this House.

It is this 101st General Assembly that will usher in the beginning of the new millennium. We face an awesome task as we represent the people whom have placed their faith and trust in us to meet the great challenges of a new era in Tennessee. They deserve the best efforts and talents of all the members of this elected body as we work to fulfill their dreams and aspirations.

I move my remarks be spread upon the journal of this House.

**ENGROSSED BILLS
January 13, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 3.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 13, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENROLLED BILLS
January 13, 1999**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 1.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
January 13, 1999**

The Speaker signed the following: House Joint Resolution(s) No(s). 1.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 13, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
January 13, 1999**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 1.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

January 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 19; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 19 -- General Assembly, Joint Conventions - State of the State address, February 1, 1999. by *Atchley, *Elsea.

MESSAGE FROM THE SENATE

January 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 4, 5, and 17; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

January 13, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 4, 5, and 17.

ROLL CALL

The roll call was taken with the following results:

Present.....99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

Pursuant to House Joint Resolution No. 1, Rep. Hargrove moved that the House stand in recess to meet with the Senate in Joint Convention for the purpose of electing the Constitutional Officers; and at the conclusion of the Joint Convention, the House adjourn until 9:00 a.m. on Thursday, January 14, 1999, which motion prevailed.

IN JOINT CONVENTION

ELECTION OF CONSTITUTIONAL OFFICERS

The hour having arrived, set by House Joint Resolution No. 1, the House and Senate met in Joint Convention for the purpose of election of the Constitutional Officers.

President Wilder called the Joint Convention to order at 9:30 a.m.

On motion of Senator Crutchfield, the roll call of the Senate was dispensed with.

On motion of Representative Hargrove, the roll call of the House was dispensed with.

On motion of Speaker Pro Tempore DeBerry, the Report of the Select Committee to canvass the returns of the 1998 General Election was adopted.

On motion of Senator Cooper, the Report of the Select Committee to Review the Audits and Operations of the Comptroller and Treasury was adopted.

ELECTION OF STATE TREASURER

Mr. President Wilder declared the next order of business was the election of the State Treasurer and that nominations were in order.

Senator Crutchfield placed in nomination the name of the Honorable Steve D. Adams of Williamson County.

Representative Hargrove seconded the nomination of Mr. Adams.

Senator Harper moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Adams 29

The Clerk of the House called the roll of the House with the following results:

For Mr. Adams 99

Representatives voting for Mr. Adams were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell,

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Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

Thereupon, Mr. President Wilder declared the Honorable Steve Adams duly legally and constitutionally elected State Treasurer for the ensuing two years.

Mr. Wilder appointed the following committee to escort Mr. Adams to the well of the House: Senators Burks, Dickson, and Springer; and Representatives Briley, Fowlkes, and Langster.

Mr. Adams expressed his appreciation.

OATH OF OFFICE

The Oath of Office was administered to Mr. Adams by the Honorable Patsy Cottrell of the Tennessee Court of Appeals.

ELECTION OF COMPTROLLER OF THE TREASURY

Mr. President Wilder declared the next order of business was the election of the Comptroller of the Treasury and that nominations were in order.

Rep. Hargrove placed in nomination the name of Mr. John G. Morgan of Davidson County,

Senator Crutchfield seconded the nomination of Mr. Morgan.

Senator Cooper moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Morgan 30

The Clerk of the House called the roll of the House with the following results:

For Mr. Morgan 99

Representatives voting for Mr. Morgan were Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hanwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

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Mr. President Wilder declared John Morgan duly legally and constitutionally elected Comptroller of the Treasury for the ensuing two years.

Mr. President Wilder appointed the following committee to escort Mr. Morgan to the well of the House: Senators Ford, Kurita and Rochelle; and Representatives Lois DeBerry, Head and McMillan.

Mr. Morgan expressed his appreciation.

OATH OF OFFICE

The Oath of Office was administered to Mr. Morgan by the Honorable Patsy Cottrell of the Tennessee Court of Appeals.

RECOGNITION IN THE WELL

Mr. President Wilder declared the next order of business was the recognition of Mr. Knox Walkup, retiring Attorney General.

Mr. President Wilder appointed a committee of Senators Haynes, Henry and Herron and Representatives Buck, Hargrove and Newton to escort Mr. Walkup to the well.

Mr. President Wilder relinquished the Chair to Mr. Speaker Naifeh.

The Clerk of the Senate read Senate Joint Resolution No. 17 honoring Mr. Walkup.

Mr. President Naifeh recognized members of the General Assembly for remarks.

Mr. President Naifeh recognized Mr. Walkup for remarks.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Mr. President Naifeh declared the Joint Convention dissolved.